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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,180	09/19/2001	Koji Miyajima	034620-000096	9415
7590	11/02/2005			EXAMINER PARRY, CHRISTOPHER L
Robert E. Krebs THELEN REID & PRIEST LLP P.O. BOX 640640 SAN JOSE, CA 95164-0640			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/955,180	MIYAJIMA ET AL.
	Examiner	Art Unit
	Chris Parry	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 September 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 September 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/955,180.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/25/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because in figure 2, block 26 contains a misspelling, as “**DATABAS**” should be --**DATABASE**--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **S2, S3, S7, and S8** in figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of

the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

4. Claim 1 is objected to because of the following informalities: On line 5, "includes the link name" should be --includes a link name--. Further, on line 7, "the video data file name" should be --a video data file name--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-8, 10-11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Javed (U.S. 2002/0162112).

Regarding Claim 1, Javed teaches, "a distribution list generating device that generates said distribution list that includes the link name that links to video data as a distribution request destination" by disclosing video distribution controller 222 guides the subscriber through a sequence of web site menus from which the subscriber may select a video (¶ 43). Javed teaches, "a link list generating device that generates a list that is a correspondence list between said link name and the video data file name corresponding to said link name" by disclosing when a subscriber wishes to buy or rent a video, the subscriber browses VISP web site 220 (¶ 43). Further, figure 9 shows an exemplary web page with a list of movies from which a subscriber may select. Javed teaches "a link list updating device that updates the video data file name corresponding to the link name in said link list to another video data file name depending on distribution conditions" by disclosing VPOP web site 230 which is used to supplement VISP web site 220 with additional related information (¶43). When the user selects to review the movie Rocky, for example, web page 1000 (figure 10) is displayed showing a link Rent/Buy 1003 that is linked to video data file name. If the user chooses to go back to web page 900 (figure 9) to select and review the movie First Blood, the Rent/Buy link 1003 is updated with the new video data file name corresponding to First Blood.

As for Claim 3, Javed teaches "the case in which predetermined request information is received from said user terminal, said link list updating device updates the video data file name corresponding to the link name to said video data file name

corresponding to said request information” by disclosing a client may choose to review a movie before selecting to download. When the user receives web page 1000, VPOP web site or “link list updating device” updates the Rent/Buy link 1003 with the video data file name that corresponds to the movie the user just selected to review. Therefore if the user chooses to rent or buy the movie, the user will be led through the download process to receive the selected movie and not a movie that was not selected.

As for Claim 4, Javed teaches “a video data selecting device that selects video data to be subsequently distributed based on the information about the video data that is being distributed is further provided” by disclosing VPOP video access controller 232 which has access to movies stored in database 236 in VPOP network 150 (¶ 43). Javed teaches “link list updating device updates the video data file name corresponding to said link name to a video data file name of the video data selected by said video data selecting device” by disclosing VPOP web site 230 provides additional information to VISPA website 220. Further, when a user selects to review a movie, for example *Titanic*, the user may choose to Rent/Buy by selecting the correspond button 1003. The link button corresponds to the updated movie name and not another movie like *Rocky* or *First Blood*.

As for Claim 5, Javed teaches “a video data selecting device that refers to said information about the video data that is scheduled for distribution and selects video data to be distributed thereafter” by disclosing VPOP video access controller 232 receives the video request from video distribution controller 222. VPOP controller 232 takes the received information and selects the video file name from database 236 (¶ 45-47).

Javed teaches “link list updating device updates the video data file name corresponding to the link name to said video data file name of the video data that has been selected by said video data selecting device” by disclosing VPOP web site 230 provides additional information to VISP website 220. Further, when a user selects to review a movie, for example Titanic, the user may choose to Rent/Buy by selecting the correspond button 1003. The link button corresponds to the updated movie name and not another movie like Rocky or First Blood.

As for Claim 6, Javed teaches “link list updating device updates the video data file name by referring to the priority order list that determines the priority order in the distribution of the video data” by disclosing when VPOP network 150 receives a lock video request from VISP network 180, it checks the number of copies rented/owned field to verify if the request can be filled. If the request cannot be filled the VPOP network sends a deny request message to VISP network 180 (¶ 62).

Regarding Claim 7, Javed teaches “a distribution list generating device for generating said distribution list including link names which link to video data or which link to the others of said distribution list as distribution request destinations” by disclosing video distribution controller 222 guides the subscriber through a sequence of web site menus from which the subscriber may select a video (¶ 43). Javed teaches “a link list generating device for generating a link list which is a correspondence list between said link name and the video data file name corresponding to said link name or said distribution list name” by disclosing when a subscriber wishes to buy or rent a video, the subscriber browses VISP web site 220 (¶ 43). Further, figure 9 shows an

exemplary web page with a list of movies from which a subscriber may select. Javed teaches “a link list updating device for updating the video data file name or the distribution list name corresponding to the link name in said link list to another video data file name depending on distribution conditions” by disclosing VPOP web site 230 which is used to supplement VISP web site 220 with additional related information (¶43). When the user selects to review the movie Rocky, for example, web page 1000 (figure 10) is displayed showing a link Rent/Buy 1003 that is linked to video data file name. If the user chooses to go back to web page 900 (figure 9) to select and review the movie First Blood, the Rent/Buy link 1003 is updated with the new video data file name corresponding to First Blood.

Regarding Claim 8, Javed teaches “generating said distribution list that includes the link name linked to video data as a distribution request destination” by disclosing video distribution controller 222 guides the subscriber through a sequence of web site menus from which the subscriber may select a video (¶ 43). Javed teaches “generating a link list that is a correspondence list between said link name and a video data file name corresponding to that link name” by disclosing when a subscriber wishes to buy or rent a video, the subscriber browses VISP web site 220 (¶ 43). Further, figure 9 shows an exemplary web page with a list of movies from which a subscriber may select. Javed teaches “updating the video data file name corresponding to the link name in said link list to another video data file name depending of distribution conditions” by disclosing VPOP web site 230 which is used to supplement VISP web site 220 with additional related information (¶43). When the user selects to review the movie Rocky, for

example, web page 1000 (figure 10) is displayed showing a link Rent/Buy 1003 that is linked to video data file name. If the user chooses to go back to web page 900 (figure 9) to select and review the movie First Blood, the Rent/Buy link 1003 is updated with the new video data file name corresponding to First Blood.

Regarding Claim 10, Javed teaches “generating said distribution list that includes a video data as a distribution request destination or a link name which is linked with said former link name” by disclosing video distribution controller 222 guides the subscriber through a sequence of web site menus from which the subscriber may select a video (¶ 43). Javed teaches “generating said link name and a video data file name or a link list which is a corresponding list of the distribution list” by disclosing when a subscriber wishes to buy or rent a video, the subscriber browses VISP web site 220 (¶ 43). Further, figure 9 shows an exemplary web page with a list of movies from which a subscriber may select. Javed teaches “updating the video data file name corresponding to the link name in said link list or the distribution file name to the other video data file name or the other distribution file name in response to the distribution condition” by disclosing VPOP web site 230 which is used to supplement VISP web site 220 with additional related information (¶43). When the user selects to review the movie Rocky, for example, web page 1000 (figure 10) is displayed showing a link Rent/Buy 1003 that is linked to video data file name. If the user chooses to go back to web page 900 (figure 9) to select and review the movie First Blood, the Rent/Buy link 1003 is updated with the new video data file name corresponding to First Blood.

Regarding Claim 11, Javed teaches “generating said distribution list including a link name which is linked with the video data as a distribution request destination” by disclosing video distribution controller 222 guides the subscriber through a sequence of web site menus from which the subscriber may select a video (¶ 43). Javed further discloses “controller” can be implemented in hardware or software, or a combination of hardware and software (¶ 40). Javed teaches “generating a link list which is a corresponding list between said link name and the video data file name corresponding to said link name” by disclosing when a subscriber wishes to buy or rent a video, the subscriber browses VISP web site 220 (¶ 43). Further, figure 9 shows an exemplary web page with a list of movies from which a subscriber may select. Javed teaches “updating the video data file name corresponding to the link name in said link list to the other video data file name” by disclosing VPOP web site 230 which is used to supplement VISP web site 220 with additional related information (¶ 43). When the user selects to review the movie Rocky, for example, web page 1000 (figure 10) is displayed showing a link Rent/Buy 1003 that is linked to video data file name. If the user chooses to go back to web page 900 (figure 9) to select and review the movie First Blood, the Rent/Buy link 1003 is updated with the new video data file name corresponding to First Blood.

Regarding Claim 13, Javed teaches “generating said distribution list which contains a video data as a distribution request destination or the link name that is linked with said other former distribution list” by disclosing video distribution controller 222 guides the subscriber through a sequence of web site menus from which the subscriber

may select a video (¶ 43). Javed further discloses “controller” can be implemented in hardware or software, or a combination of hardware and software (¶ 40). Javed teaches “generating a link list which is a corresponding list between said link name and the video data file name or the distribution list name corresponding to said link name” by disclosing when a subscriber wishes to buy or rent a video, the subscriber browses VISP web site 220 (¶ 43). Further, figure 9 shows an exemplary web page with a list of movies from which a subscriber may select. Javed teaches “updating the video data name or the distribution file name in said link list to the other video data file name or the other distribution file name in response to the distribution conditions” by disclosing VPOP web site 230 which is used to supplement VISP web site 220 with additional related information (¶ 43). When the user selects to review the movie Rocky, for example, web page 1000 (figure 10) is displayed showing a link Rent/Buy 1003 that is linked to video data file name. If the user chooses to go back to web page 900 (figure 9) to select and review the movie First Blood, the Rent/Buy link 1003 is updated with the new video data file name corresponding to First Blood.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Javed.

As for Claim 2, Javed teaches "the case in which said video data is associated with distribution condition information that includes as said distribution conditions at least one of the distribution time information that designates the time and duration for distribution, distribution area information that designates the distribution area, cumulative distribution number information that limits the cumulative number of distributions, and attribute information about the user" by disclosing VPOP network 150 keeps track the number of copies owned of each movie along with the number of copies rented (¶ 62). Therefore, there is a threshold on the number of rentals and purchases or "cumulative distribution number information that limits the cumulative number of distributions" that can be made available to the requesting client. Javed fails to specifically disclose that the link list updating device updates the video data file name corresponding to the link name to a video data file name of a video data satisfying the distribution conditions included in the distribution condition information. However it would have been obvious that Javed would not allow a client to rent or buy a movie that was not available and would change link Rent/Buy 1003 to indicate to the client that the movie may either be rented, bought or neither. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Javed in order to facilitate link list updating device to update the video data file name to satisfy the distribution conditions in order to facilitate reserving a copy of a the requested movie for the client.

Considering Claims 9 and 12, the claimed elements of when said video data is associated with distribution time information for specifying a time or a period as a

distribution condition, distribution area information for specifying a distribution area, cumulative distribution number information for limiting the cumulative distribution number, or distribution condition information including more than one of users attribution information, said step of updating said link list updates the video data file name corresponding to said link name to the video data file name of a video data which satisfies the distribution conditions contained in said distribution condition information, corresponds with subject matter mentioned above in the rejection of claim 2, and is likewise treated.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,718,551 to Swix et al. – A method and system for providing targeted advertisements over a networked media delivery system.

U.S. Pat. No. 6,698,020 to Zigmond et al. – A system and method for selecting and inserting advertisements into a video programming feed at the household level.

U.S. Pat. No. 5,790,935 to Payton – A digital information system delivers virtual on-demand information over existing, as well as the next generation, digital transport systems by offloading a portion of the systems' peak bandwidth requirements to the local subscribers.

U.S. Pat. No. 6,604,241 to Haeri et al. – A method and apparatus are provided for communicating network information among network devices using protocols based on URLs.

U.S. Pat. No. 6,725,421 to Boucher et al. – A method, apparatus, and system for storing, retrieving and playing multimedia data.

U.S. Pat. No. 6,184,878 to Alonso et al. – A method and apparatus for interactively accessing world wide web using a set top terminal in a video on demand system.

U.S. Pub. No. 2002/0124249 to Shintani et al. – An advertising technique for use during playback of stored entertainment content.

U.S. Pub. No. 2003/0191742 to Yonezawa et al. – A contents management system.

U.S. Pub. No. 2001/0018769 to Matsui – A data reception apparatus, data reception method, data transmission method, and data storage media.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner's Initials: CJP
October 19, 2005

LMB
Patent Examiner
Art Unit 2614